IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

THURSDAY, THE 29TH MARCH 2007 / 8TH MAGHA 1928

WP(C).No. 34190 of 2006(T)

PETITIONERS:
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1. SARADA, W/O.VASU AGED 79 YEARS,
KAVARATHU VEEDU, NEDUVATHUSSERY,
CHAVARA SOUTH P.O., KOLLAM.

2. SAVITHRY, W/O.RAMACHANDRAN,
SREEKANDAVILASAM PUTHUVAL, NEDUVATHUSSERY,
CHAVARA SOUTH P.O., KOLLAM.

3. GEETHA, W/O.RAGHUNATHAPANICKER,
JOY BHAVANAM, NEDUVATHUSSERY,
CHAVARA SOUTH P.O., KOLLAM.

BY ADV. SRI.THOMAS ABRAHAM
SRI.K.B.ARUNKUMAR

RESPONDENTS:
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1. STATE OF KERALA, REPRESENTED BY ITS
SECRETARY, HOME DEPARTMENT, SECRETARIAT,
TRIVANDRUM.

2. DIRECTOR GENERAL OF POLICE,
KERALA STATE, TRIVANDRUM.

3. ADDL.DGP (CRIME)
ADDL.DGP OFFICE, TRIVANDRUM.

4. INSPECTOR GENERAL OF POLICE (CRIME)
TRIVANDRUM.

5. DEPUTY SUPERINTENDENT OF POLICE,
CRIME BRANCH, KOLLAM.

BY SRI.P.G.THAMPI, DGP
GOVT.PLEADER SRI.P.A.SALIM

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 29/03/2007 ALONG WITH WPC NO.25160 OF 2005, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.B.KOSHY & T.R.RAMACHANDRAN NAIR, JJ.

W.P.(C).NO. 34190 OF 2006
and
W.P.(C).NO. 25160 OF 2005

Dated this the 29th day of March, 2007.

JUDGMENT

Koshy, J.

This is a petition regarding the murder of the petitioner's son, a School Manager. The main allegation of the petitioner is that investigation is being done not properly. The petitioner's case is that some of the real accused were deleted and it is further submitted that even though it is the case of the police that they were deleted at the instance of the of the petitioner. The petitioner strictly objects it. On going through the entire papers we also notice that police is trying to protect somebody due to political influences. On going through the case we are of the opinion that case is not conducted properly and justice will not be meted out in this case, unless the matter is investigated by a proper investigation by CBI. In originally, the crime was investigated by local police. Thereafter on the complaint and as per the direction of this court CB,CID took up the investigation on 26.10.2004 as per order dated D2-14597/CR/04, under Deputy Superintendent of Police, CB, CID. From the reports it shows that there is a heinous conspiracy and the persons are behind the conspiracy. It is also submitted that 9 accused were deleted by the local police and further investigation is necessary, whether they are behind the curtain. It is also noticed that some of the accused were

not involved in the crime, and their names were included to side track the case. It is also stated that police officers including Deputy Superintendent of Police went to the place to saw the dead body. But proper investigation or procedural matters are not complied with. It is further submitted that earlier some accused attacked the house of one Vamadevan. There was some chance that some of the accused might have been involved here also. But their names were purposely avoided. The Deputy Superintendent of Police came to the conclusion that a cold blood murder case was investigated improperly as it is occurred in the year 2004. Now we are in 2007. Even by the Crime Branch, proper investigation is not done. It shows that political influence behind the investigation. Hence we are of the view that in the interest of justice the matter should be investigated by the CBI. So we direct the Government to refer the matter to CBI for proper investigation. CBI should investigate the case as expeditiously as possible with utmost sincerity.

The Writ Petition is disposed of accordingly.

J.B.KOSHY, JUDGE.

T.R.RAMACHANDRAN NAIR, JUDGE.

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